

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 675 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

VRAJLAL KARSAN THROUGH P.O.A. HOLDER

Versus

STATE OF GUJARAT

Appearance:

MR ASHIN H DESAI for Petitioner

MR DP JOSHI, AGP for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 03/11/98

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. D.P. Joshi,
Ld. A.G.P. for the respondents.

2. Heard. Short grievance of the petitioner is that the learned Additional Chief Secretary, Revenue Department, Government of Gujarat has summarily rejected the revision application filed by the petitioner, when

the matter was heard only in respect of interim relief. Thus the petitioner did not have opportunity in respect of hearing of the main matter, namely revision application. On going through the impugned decision, it clearly appears that the revisional authority was dealing with the interim relief and at that stage has dealt with the matter at large. Hence, bearing in mind the facts of the case, following direction is required to be issued without entering into the merits of the matter :-

The impugned order dated 6/12/1997 rejecting the revision application bearing No. SRD/Land/JND/13/97 is hereby set aside and the matter is remanded to the learned revisional authority for dealing with the revision application and deciding the same in accordance with law after hearing the petitioner in the main matter.

The petitioner will move a separate interim relief application in the revision application and the same shall be heard and decided by the learned revisional authority in accordance with law after hearing the petitioner. Till that application is decided, the interim relief which has been granted in this petition shall continue.

Rule made absolute only in the aforesaid terms.
No order as to cost.

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PVR